

**Nupa Agarwal
Attorney at Law
Bar Number 42545
PO Box 17275
Richmond, VA 23226
(804) 691-2655
(804) 308-8001 Fax
Counsel for Debtor**

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN
DISTRICT OF VIRGINIA RICHMOND DIVISION
Richmond Division**

IN RE: Richard M. McCuthchen & Latrina D. McCuthchen
Carl M. Bates Chapter 13 Trustee

Case No. 13-31727
Chapter 13

Citigroup Mortgage
Movant
v.

Richard M. McCuthchen & Latrina D. McCuthchen
and
Carl M. Bates, Trustee,
Respondent

Answer to Certificate of Default Filed by Citigroup Mortgage & BWW Law Group, LLC

COMES NOW the Debtors Richard M. McCuthchen & Latrina D. McCuthchen, by counsel, Nupa Agarwal, Esq. and answers as follows:

1. The Debtors admit the allegations contained in paragraphs 1-2 of the movant's Certificate of Default.
2. The Debtors deny the allegations contained in paragraphs 3-5 and therefore demands strict proof thereof.
3. The Debtors were caught up within in the time frame given. They were \$37.00 short due to mortgage payment changes that they were not aware of until the Default motion was filed.
4. The Debtors have equity in the property and the movant has been afforded adequate protection of its interest. Further, the debtors' possession of the property is necessary for the effective reorganization of the estate.
5. Movant has not shown the irreparable harm necessary to justify lifting the stay. Even if Movant is entitled to relief from the stay, the stay should not be

terminated. The Court should grant less drastic relief by conditioning or modifying the stay.

WHEREFORE, the debtors pray that the movant's Certificate of Default be Dismissed; and that the debtors be granted all other relief as this Court deems just and proper as well as the right to enlarge and or modify the response to the Certificate of Default.

Respectfully Submitted:
Richard M. McCutchen & Latrina D. McCutchen

By: /s/Nupa Agarwal
Nupa Agarwal

CERTIFICATE OF SERVICE

I hereby certify that on this 12th Day of April 2017, I mailed the foregoing documents by electronic mail or first class mail, postage prepaid to each party required to receive notice under Local Bankruptcy Rule 4001 (a)-1(E) as follows: Richard M. McCutchen & Latrina D. McCutchen, 5804 Kristenleaf Court, Richmond, VA 23225; Counsel for Citigroup Mortgage BWW Law Group LLC, 8100 Three Chopt Rd., Suite 240, Richmond, VA 23229, ATTN: Karl Anthony Moses, Jr.; the Chapter 13 Trustee, Carl M. Bates, P.O. Box 1819, Richmond, VA 23219;VIA ECF

/s/ Nupa Agarwal
Nupa Agarwal